

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PEDRO ALARCON,

Plaintiff,

MEMORANDUM & ORDER  
09-CV-5634 (JS) (AKT)

-against-

83RD PRECINCT,

Defendant.

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APPEARANCES:

For Plaintiff: Pedro Alarcon, Pro Se  
120 Menahan Street  
Brooklyn, NY 11221

For Defendants: No appearances

SEYBERT, District Judge:

Pending before the Court is the Complaint of pro se Plaintiff Pedro Alarcon ("Alarcon" or "Plaintiff"). Also before the Court is Plaintiff's application to proceed in forma pauperis. For the reasons discussed herein, the application is GRANTED, but the Complaint is DISMISSED without prejudice.

In Plaintiff's brief, handwritten Complaint, he writes, "charges again me and they stop me make believe aloted water it was wrote on daily memo of stopping me on D.W.I. charges again me" and "help me claim everything that was stolen" and violated my Miranda Right." (Compl. 1.) Based on the Court's review of the Complaint, it is impossible to discern the relief Plaintiff seeks, or the authority entitling him to any relief at all. For the reasons set forth in this Court's August 7, 2009 Order in Alarcon v. 83rd Precinct, 09-CV-2818 (filed 6/9/2009), among others, the Court

dismisses Plaintiff's Complaint without prejudice for, inter alia failure to comply with Federal Rule of Civil Procedure 8. To the extent Plaintiff is seeking to file a motion pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure, seeking return of items of property, again he is directed to amend his pleadings as such to make his intention clear.

Based on the foregoing, it is hereby ORDERED that (1) Plaintiff's request to proceed in forma pauperis is GRANTED; (2) Plaintiff's Complaint is DISMISSED without prejudice and with leave to amend by February 22, 2010. The Clerk of Court is directed to send a copy of this Order along with this Court's August 7, 2009 Order in Alarcon v. 83rd Precinct, 09-CV-2818 (filed 6/9/2009) to Plaintiff. If Plaintiff fails to submit an amended complaint by February 22, 2010, the Complaint will be dismissed with prejudice, and the case will be closed; any amended complaint should be captioned "Amended Complaint" and bear the docket number 09-CV-5634 as listed above. To the extent Plaintiff seeks the return of property, he is directed to caption his amended pleadings as "Motion for Return of Property."

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: January 20, 2010  
Central Islip New York